

1 THE CIRCUIT COURT OF MONROE COUNTY, MISSISSIPPI  
2 STATE OF MISSISSIPPI

3 VERSUS CAUSE NO.: CR16-045  
4 STEPHANIE HERRING DEFENDANT

5  
6  
7 TRANSCRIPT OF HEARING

8 TRANSCRIPT OF THE HEARING HAD IN THE  
9 ABOVE-STYLED AND NUMBERED CAUSE, BEFORE THE  
10 HONORABLE PAUL FUNDERBURK, CIRCUIT JUDGE,  
11 FIRST JUDICIAL DISTRICT OF MISSISSIPPI, AT THE  
12 LEE COUNTY COURTHOUSE, ON THE 29TH DAY OF  
13 SEPTEMBER, 2021.

14  
15 APPEARANCES:

16 Present and Representing the State of Mississippi:

17 JOHN WEDDLE, ESQUIRE  
18 PAUL GAULT, ESQUIRE  
19 Post Office Box 7237  
20 Tupelo, Mississippi 38802

21 Present and Representing the Defendant:

22 JIM WAIDE, ESQUIRE  
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24 Tupelo, Mississippi 38802

25 Also Present: Justin C. Moody, Staff Attorney



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1           THE COURT: The matter on the docket  
2           this afternoon is State of Mississippi versus  
3           Stephanie Herring. It's Monroe County Cause  
4           number CR16-045.

5           I think, in addition to motion hearings,  
6           I believe there's a pretrial conference on  
7           this matter. And I would like to meet with  
8           the attorneys in chambers before we get  
9           started on the motions. We'll do that at  
10          this time.

11          (OFF THE RECORD.)

12                               - - -

13          THE COURT: All right. I understand  
14          from conversations in chambers that the Rule  
15          will be invoked during this hearing, with the  
16          exception it will not apply to Agent Quaka.  
17          Both the State and the defense agree that FBI  
18          Agent Quaka may remain in the courtroom  
19          during the course of these hearings. All  
20          other witnesses for the State and the defense  
21          shall be excluded.

22          MR. WAIDE: Your Honor, if the Court  
23          please, we're going to call B.J. Harmon as  
24          our first witness, if he can remain in the  
25          courtroom.

1 THE COURT: All right. You said an  
2 officer?

3 MR. WAIDE: No, sir, he's not an  
4 officer.

5 THE COURT: All right. Mr. B.J. Harmon  
6 then.

7 B.J. HARMON,  
8 having been called as a witness, and having been  
9 first duly sworn by the Court, testified as  
10 follows, to-wit:

11 MR. WAIDE: May I proceed, Your Honor?

12 THE COURT: You may.

13 - - -

14 DIRECT EXAMINATION

15 BY MR. WAIDE:

16 Q What is your name please, sir.

17 A Billy Harmon.

18 Q If you would, Mr. Harmon, I'm hard of  
19 hearing, could I ask you to please speak up a  
20 little bit.

21 A Billy Harmon.

22 Q Billy Harmon. You sometimes go by B.J.?

23 A Yeah.

24 Q Where do you live, Mr. Harmon?

25 A In Itawamba. In Nettleton.

1 Q Give us a street address, if you would.

2 A 2300 Van Buren Road.

3 Q 2300 —

4 THE COURT: I'm sitting here next to you  
5 and I can't hear you.

6 THE WITNESS: 2300 Van Buren Road,  
7 Nettleton, Mississippi.

8 THE COURT: Pull the microphone around  
9 where it can get up to you and repeat your  
10 answer.

11 THE WITNESS: 2300 Van Buren Road,  
12 Nettleton, Mississippi.

13 BY MR. WAIDE:

14 Q Where do you work?

15 A Seale & Trenching and Boring out of  
16 Ecu.

17 Q What do you do there?

18 A We have a contract for Maxx South, put  
19 up cable, fiber.

20 Q I want to take you back to August of  
21 2015. The specific date is August 20th. I want  
22 to ask you about a robbery that occurred while  
23 you were present.

24 Do you recall that occasion?

25 A Yes, sir.

1           Q     Who were you with when the robbery  
2 occurred?

3           A     Laura McDaniel.

4           Q     Laura McDaniel?

5           A     Yes, sir.

6           Q     And what was your relationship with  
7 Laura McDaniel?

8           A     Kind of on and off girlfriend.

9           Q     Had you spent the night — were you  
10 spending the night with her on the night that  
11 the robbery occurred?

12          A     Yes, sir.

13          Q     When the robbery occurred, could you  
14 identify by voice or could she identify any of  
15 the robbers?

16          A     I could identify one, just the way he —  
17 tall and lanky, just the way he looked.

18          Q     And what — who was that? What robber  
19 could you identify?

20          A     B.J. Williams.

21                THE COURT: Who?

22                THE WITNESS: Bart Williams. B.J.  
23 Williams.

24                THE COURT: Mark —

25 BY MR. WAIDE:

1 Q B.J. Williams?

2 THE COURT: Mark Williams, B.J.

3 Williams, which one?

4 THE WITNESS: It's Bart or B.J.

5 THE COURT: Bart.

6 THE WITNESS: I don't know his real

7 name.

8 BY MR. WAIDE:

9 Q All right. Did Ms. McDaniel have a lot  
10 of money there when the robbery occurred?

11 A Yes, sir.

12 Q How much money did she have there?

13 A In the bag it was 230,000, 235,000.

14 Q Do you know of your personal knowledge  
15 where that money came from?

16 A Yeah. Her daddy just died and he left  
17 it to her in a pay — in a pay-on-death account.

18 Q Did she have some other money there,  
19 other than that money in the bag?

20 A I think it was anywhere from 1,300 to 25  
21 maybe, something like that.

22 Q And --

23 A But there is papers for that, where it  
24 come from, her daddy's cattle business he had.

25 MR. GAULT: Your Honor, I will object



1 based on relevance. This is my understanding  
2 an equal protection hearing and this seems to  
3 be a lay fact witness.

4 MR. WAIDE: Your Honor, I didn't  
5 understand what he said. But I -- this is  
6 going to be shown to be relevant as to the  
7 theft of money by law enforcement and that's  
8 what I'm getting to.

9 THE COURT: All right. The objection is  
10 overruled.

11 BY MR. WAIDE:

12 Q All right. Mr. McDaniel {sic}, how many  
13 robbers came in that night?

14 A Two.

15 Q And it was B.J. Williams and another  
16 male or female?

17 A Male.

18 Q After the robbery occurred, did police  
19 officers come to the place where you and Ms.  
20 McDaniel were living?

21 A Yes, sir.

22 Q What officers can you identify came  
23 there?

24 A Now, Sloan is the only one that really  
25 said anything. Eric Sloan.

1 Q Eric Sloan?

2 A (Nods affirmatively.)

3 Q Do you remember there were other  
4 officers there as well?

5 A I remember Cantrell ended up being  
6 there, Cecil, and some bigger guy. And — I  
7 don't — yeah, Starling, Rodney Starling.

8 Q Rodney Starling?

9 A Yeah.

10 Q Okay. The — well, you mentioned two  
11 bits of money, a very large sum of money and  
12 then a smaller sum.

13 Where was the smaller sum of money  
14 located?

15 A It was on the dresser right there by the  
16 door, the bedroom door, against the wall.

17 Q You say it was on the dresser?

18 A Yeah. It was laying in an envelope on  
19 the dresser.

20 Q All right. What money did the robbers  
21 take?

22 A The 230,000 that was in the bag that was  
23 hid under the little cot on the other side of  
24 the room.

25 Q All right. After the robbery did any

1 officers approach you or talk to you after the  
2 robbery?

3 A No, not — not — not the first time  
4 they came, no.

5 Q Well, tell me about the first time.  
6 What happened the first time they came?

7 A Laura pretty much told them what  
8 happened. And I kept trying to tell them that  
9 they left the axe and all the — whatever they  
10 brought in with them laying on the bed. But  
11 they didn't pick none of that up and look at it.  
12 They — then I — I told them that Stephanie  
13 knew B.J. and might know where he was at and so  
14 that's why they went to her house.

15 Q Okay. After that did they come back?

16 A Yeah.

17 Q My question is, did you speak or have  
18 some come conversation with one of the officers  
19 when they came back?

20 A Yeah. Eric Sloan asked for — knocked  
21 on the door and asked for me specifically.

22 Q Asked for you?

23 A Yes, sir.

24 Q All right. Was there a search — the  
25 smaller sum of money that you referred to

1 earlier that you said was on a dresser, was that  
2 money still there at the time the officers came  
3 back?

4 A It was before they went in the house and  
5 started searching, yes. But Sloan — Sloan, and  
6 I don't know the other officer, they was the  
7 only two of them that went in first.

8 Q All right. I didn't understand you.

9 What did you say about what officer went  
10 in the house?

11 A Sloan, and I don't know who the other  
12 officer was, but they were the only two that  
13 went in the first time. They brought us outside  
14 in handcuffs and we didn't —

15 Q All right. Did it come a point when you  
16 noticed that the money was missing?

17 The smaller sum of money. I'm not  
18 talking about the large sum.

19 A No. We — not until we got out of jail  
20 because they — they didn't let us back in the  
21 house.

22 Q When you got out of jail?

23 A Yes, sir.

24 Q When was that? How long were you in  
25 jail?

1           A     Six days, seven days.

2           Q     Do you know whether it was reported that  
3     night that the money had been taken?

4           A     I don't know. You'd have to ask Laura  
5     on that one. And —

6           Q     All right.

7           A     — like I said, I don't know.

8           MR. WAIDE: Your Honor, I'd like to have  
9     marked for identification as an exhibit  
10    the — this statement received in discovery  
11    by — it's a statement purportedly of Laura  
12    McDaniel and it's part of the State's  
13    discovery, if I could mark this for  
14    identification.

15          THE COURT: Any objection?

16          MR. GAULT: No, Your Honor.

17          THE COURT: All right. Let it be  
18    received and marked.

19          MR. WAIDE: This will be exhibit —  
20    defense Exhibit 1.

21                                 — — —

22    (EXHIBIT 1 MARKED AND RECEIVED INTO EVIDENCE.)

23                                 — — —

24          MR. WAIDE: May I approach the witness,  
25    Your Honor?

1 THE COURT: You may.

2 BY MR. WAIDE:

3 Q I want to turn you over to what appears  
4 to be a statement by Laura McFarley {sic} on  
5 page — looking on page 4. Bottom of page 3.  
6 It looks like the bottom of page 3 is ineligible  
7 on my copy. I don't know whether counsel's copy  
8 shows it. But — so I refer you to the top of  
9 page 4.

10 And can you see what she's written at  
11 the top of page 4, can you read that?

12 MR. GAULT: Your Honor, I object. If  
13 he's asking this witness to read another  
14 person's statement, it's hearsay.

15 MR. WAIDE: Your Honor, I'm doing this  
16 just to corroborate or show there was a  
17 reason to believe that there was money stolen  
18 that night. It doesn't prove it for a fact,  
19 but it just shows there's reason to believe  
20 an officer took the money there that night  
21 and it's — that's the purpose of it.

22 It's — it's not — we couldn't try the  
23 criminal case, introduce this, but to show  
24 there was reasonable grounds to believe an  
25 officer was stealing that night.

1           THE COURT: All right. The objection is  
2           overruled.

3       BY MR. WAIDE:

4           Q     All right. Can you read the statement  
5           where it says bills and —

6           A     Bills and the remaining.

7           Q     Is that \$2,500?

8           A     Twenty-five — yeah, 25 or 2,100 of that  
9           was taken from —

10          Q     Speak — speak up so Judge Funderburk  
11          can hear you now. Speak into the mic.

12          A     Was taken —

13          Q     Is that out?

14          A     Yeah. Out and — out of my wallet by  
15          police that night of the robbery.

16          Q     Okay. Now, what — you talked to me  
17          yesterday, correct?

18          A     Yes, sir.

19          Q     And I talked to you by phone earlier?

20          A     Yes, sir.

21          Q     All right. And do you remember telling  
22          me about money being taken that night by the  
23          police?

24          A     That was the only people that could have  
25          got it cause they didn't let nobody else in the

1 house.

2 Q All right. Do you remember my asking  
3 you about which officer took the money?

4 A Sloan.

5 Q What -- on what basis do you say it was  
6 Sloan if there were two officers that went into  
7 the house?

8 A Sloan was the only one -- well, the  
9 first -- first one and really the only one who  
10 went in the bedroom before they come back and,  
11 you know, they done the search with the dogs and  
12 whatever they brought after they carried us to  
13 jail.

14 Q All right. I thought I understood you  
15 to say that they took y'all outside while they  
16 --

17 A Yeah, we was outside. Nobody was in --  
18 they didn't let nobody in the house.

19 Q Do you remember telling me, or did you  
20 not tell me that you asked -- or you complained  
21 to one of the other officers, not Sloan but  
22 another officer, about the money being stolen  
23 that night?

24 A Laura was.

25 Q Laura was complaining?



1           A     Yeah, cause she didn't -- she didn't see  
2     the envelope on the dresser.

3           Q     Who were -- do you know who she was  
4     complaining to?

5           A     I don't know any of them officer's name  
6     but Sloan and Starling.

7           Q     All right. Was it Sloan she was  
8     complaining to or was it somebody else?

9           A     Sloan wasn't -- he was -- he wasn't even  
10    talking to us, he was in the house the whole  
11    time.

12          Q     Okay. What complaint could you hear her  
13    making to the officer?

14          A     I really wasn't paying any -- Cecil  
15    Cantrell was drilling me the whole time, I  
16    couldn't hear anything else.

17          Q     Okay. Was drilling you about what?

18          A     Telling me that I was going to get raped  
19    in prison and I was going to be -- you know, be  
20    somebody's, for lack of a better word, bitch.

21          Q     Okay.

22          A     He was just -- you know.

23          Q     Okay. Well, let me -- I'm not trying to  
24    embarrass you and this is not really an issue,  
25    but just to fill out the whole story here.

1           You were arrested for possession of some  
2       type of drugs that night yourself, weren't you?

3           A     Two or more precursors with intent and  
4       possession. Which nothing was on me but it was  
5       in the house.

6           Q     And you were arrested that night?

7           A     Yes, sir.

8           Q     All right. What happened to that  
9       charge?

10          A     We went to court, I think, three times  
11       and the judge said — or the DA said that Sloan  
12       was fired cause he was a dishonest cop and they  
13       had to drop his cases.

14          Q     How do you know that? Who told you  
15       that?

16          A     Laura's lawyer.

17          Q     Who — what lawyer was that?

18          A     I think it was Brian — I can't remember  
19       his last name.

20          Q     Do you know — do you know where that —  
21       the smaller amount of money, not the huge amount  
22       of money that was in the bag, but the smaller  
23       amount of money that was left on the dresser, do  
24       you know where Laura got that money, where it  
25       came from?

1           A     Yes, sir.

2           Q     Where was that?

3           A     Just, like I said, her daddy's cattle  
4     business he had. He had some bulls or  
5     something, he sold the semen to other people and  
6     they got --- he sold the cattle and it was from  
7     that. But those people are somewhere, I'm sure  
8     you can find them.

9                     MR. WAIDE: May I have just a moment,  
10    Your Honor?

11                    THE COURT: You may.

12                    MR. WAIDE: That's all I have, Your  
13    Honor.

14                    THE COURT: All right. Any questions by  
15    the State?

16                    MR. GAULT: Briefly, Your Honor.

17                                     - - -

18                                     CROSS-EXAMINATION

19    BY MR. GAULT:

20           Q     Mr. Harmon, my name is Paul Gault with  
21    the DA's office. I just have a few questions  
22    for you.

23                    The statement you've referenced of Ms.  
24    McDaniel indicated that the money was in her  
25    wallet?

1           A     Wallet.

2           Q     But you remember --

3           A     She never had a wallet.

4           Q     You remember an envelope on the dresser?

5           A     Yeah. Cause she didn't have a wallet.

6           Q     Okay.

7           A     She had a bunch of bags but she didn't  
8 have a wallet.

9           Q     I understand.

10                Did you -- you didn't actually see  
11 anybody take the money, correct?

12           A     No. But I know it was on there when  
13 we -- when they escorted us out and Sloan went  
14 in.

15           Q     Additionally, were you both in jail for  
16 approximately a week?

17           A     And there's one more thing. The --  
18 after -- when -- the third day in jail when  
19 Mr. -- what was his name -- the other officer --  
20 when he brought me in for questioning or  
21 whatever, he -- he was on the phone with Sloan  
22 after he got shot or whatever and Sloan said --  
23 told him on the phone that he laid the money  
24 back on the dresser.

25           Q     Okay. And y'all were each in jail for

1       about six days after the robbery?

2           A     She was in there about two weeks. I was  
3     in there for about eight days. Six, seven,  
4     eight days.

5           Q     So there was a time period where nobody  
6     was occupying the house?

7           A     Yeah. Yes.

8           Q     Finally, there were drugs in the house?

9           A     There was filters. No drugs.

10          Q     Do you have any prior convictions?

11          A     No, sir. Nothing.

12               MR. GAULT: Your Honor, the State has no  
13     further questions.

14               THE COURT: I didn't hear his answer.

15               THE WITNESS: No, sir, I don't.

16               THE COURT: All right. What time of  
17     night or day did this robbery take place?

18               THE WITNESS: I think it was around —  
19     it had to be midnight maybe, 1:30. Between  
20     midnight and 1:30, maybe.

21               THE COURT: All right. Mr. Waide, any  
22     redirect?

23               MR. WAIDE: No, Your Honor.

24               May Mr. Harmon be finally excused?

25               THE COURT: Any objection by the State?

1 MR. GAULT: No, Your Honor.

2 THE COURT: All right. Mr. Harmon,  
3 you're finally excused. You may leave or  
4 stay here and listen, whatever you want to  
5 do.

6 THE WITNESS: All right.

7 MR. WAIDE: Your Honor, I have another  
8 short witness before we call Mr. Starling.  
9 Roger Woods.

10 THE COURT: All right.

11 MR. WAIDE: If I can get him.

12 THE COURT: You may.

13 (PAUSE.)

14 - - -

15 THE COURT: Mr. Woods, if you'd come up,  
16 please. Raise your right hand.

17 ROGER WOODS,  
18 having been called as a witness, and having been  
19 first duly sworn by the Court, testified as  
20 follows, to-wit:

21 THE COURT: Come around here and sit in  
22 this witness chair, please, sir.

23 You may proceed.

24 - - -

25 DIRECT EXAMINATION

1 BY MR. WAIDE:

2 Q What is your name, please, sir.

3 A Roger Wayne Woods.

4 Q Where do you work, Mr. Woods?

5 A North Mississippi Medical Center.

6 Q What do you do at North Mississippi  
7 Medical Center?

8 A I'm a Floor Tech II, Environmental  
9 Services.

10 Q All right, sir. How long — how long  
11 have you worked at the medical center?

12 A Seven years.

13 Q Have you had some dealings in the past  
14 with a deputy sheriff named Eric Sloan?

15 A Yes, sir, I have.

16 Q Has that been a number of years ago?

17 A Yes, sir.

18 Q What capacity did he have at that time?

19 A He was a sheriff of Monroe County, a  
20 deputy sheriff of Monroe County.

21 Q And would you tell Judge Funderburk  
22 whether or not he had occasion to approach you  
23 when you were stopped by the side of the road  
24 with a — some mechanical problem with your  
25 vehicle.

1           A     Yes, Your Honor, he did. Yes, sir.

2           Q     All right. Tell — tell Judge  
3     Funderburk about that. Tell him what —

4                     Well, first of all, did you have a —  
5     did you have a substantial sum of cash with you  
6     at that — at that time?

7           A     Yes, sir. That particular evening, it  
8     was a Sunday evening, I was coming from  
9     Hamilton, Mississippi, coming down Highway 45.  
10    After I passed that highway bridge, my vehicle  
11    was running hot and I pulled over to the side of  
12    the road to block — to further block traffic.  
13    And I called 911 cause my fan belt had broken.

14                   Two officers came to the scene that  
15    night.

16                   There was a couple of passengers in the  
17    vehicle from Hamilton, Mississippi, my roommate,  
18    my son, Frederick Bronson, were passengers in  
19    the vehicle.

20                   Eric -- Deputy Eric Sloan and another  
21    deputy sheriff came to the scene and I explained  
22    what had happened to the vehicle.

23                   He said, well, *home boy, I need you to*  
24    *get out the car, every one of you get out the*  
25    *vehicle.*



1 Which we did.

2 He got -- come to the back of the  
3 vehicle, he said, *do y'all have drugs in that*  
4 *vehicle?*

5 I said, *no, sir. I do not sell drugs.*  
6 *I work every day.*

7 *Can I search the vehicle?*

8 I said, *yes, sir.*

9 He searched the vehicle. He said, *can I*  
10 *search the trunk?*

11 I said, *yes, sir.*

12 He said, *homeboy, what is this right*  
13 *here?*

14 I said, *sir, this is a personal safe I*  
15 *travel with when I'm going out of town.*

16 He said, *can I look in it?*

17 I said, *yes, sir. It's open.*

18 He searched the safe.

19 I had a bank envelope with \$1,226 in  
20 cash in that safe in an envelope.

21 He said, *Homeboy, this is drug money.*  
22 *I'm confiscating this cash money until you can*  
23 *prove where it came from.*

24 I said, *well, sir, that money came from*  
25 *a insurance premium check from my last employer*

1       of overpayments of premiums, insurance premiums.

2             I'm confiscating this cash.

3             He took the cash.

4             I went to jail that night. I never got  
5 no emergency service from the tow truck or no  
6 one. And my other roommates had got  
7 transportation back to Lee County, Mississippi.  
8 And I went to jail in Monroe County.

9             Q     Did you — did you ever get charged with  
10 any crime?

11            A     No, sir.

12            Q     Did anybody — did you ever get any  
13 papers about forfeiting the money or anything  
14 from anybody?

15            A     No, sir.

16            Q     Did you file your own civil suit because  
17 of Mr. Sloan taking the money?

18            A     Yes, sir. I contacted Jimmy Shelton law  
19 firm and Brandon Leslie was representing me on  
20 that matter.

21            Q     And did you end up with a lawyer —  
22 although the Shelton law firm started out  
23 representing you, did you end up with a lawyer  
24 named Shane McLaughlin? Do you remember that?

25            A     Yes, sir. They were working together to

1 retain the money back.

2 Q All right. And do you remember whether  
3 you — ultimately whether that case was  
4 ultimately settled?

5 A They agreed to return the cash money and  
6 drop the case. I got \$1,226 back from the city  
7 of Monroe County in the form of a check.

8 Q The money that Sloan had taken from you?

9 A Yes, sir.

10 Q All right.

11 MR. WAIDE: Your Honor, I'd like to move  
12 to introduce the pleadings in the case Mr.  
13 Woods filed as an exhibit to his testimony.

14 THE COURT: Any objection?

15 MR. GAULT: Your Honor, may I review it  
16 briefly?

17 (PAUSE.)

18 - - -

19 MR. GAULT: No objection.

20 THE COURT: All right. These pleadings  
21 shall be marked as an exhibit to this  
22 witness' testimony for the purpose of this  
23 hearing.

24 - - -

25 (EXHIBIT 2 MARKED AND RECEIVED INTO EVIDENCE.)

1                                   - - -

2                   MR. WAIDE: That's all I have, Your  
3 Honor.

4                   THE COURT: Mr. Gault?

5                   MR. GAULT: No cross, Your Honor.

6                   THE COURT: All right. Mr. Woods, thank  
7 you for being here. You may stay out in the  
8 audience or you may leave, whichever you want  
9 to do.

10                  THE WITNESS: Thank you, Your Honor.  
11 I'll just sit out in the audience.

12                  THE COURT: All right.

13                  THE WITNESS: Thank you, sir.

14                  MR. WAIDE: I would call Rodney  
15 Starling.

16                  (PAUSE.)

17                                   - - -

18                  THE COURT: All right. Mr. Starling, if  
19 you would raise your right hand.

20                                  RODNEY STARLING,  
21 having been called as a witness, and having been  
22 first duly sworn by the Court, testified as  
23 follows, to-wit:

24                  THE COURT: Have a seat in the witness  
25 chair.